

REMARKS

In response to the Final Office Action mailed July 7, 2005, Applicants respectfully request reconsideration. To further the prosecution of this application, Applicants have amended the claims and submit the following remarks. The application is believed to be in condition for allowance.

I. Interview with the Examiner

Applicants' representative, Melissa A. Beede, thanks Examiner Le for her courtesy in granting and conducting a telephone interview held on October 4, 2005. During the interview, Applicants' representative discussed with the Examiner the rejections of the independent claims. The substance of the telephone interview is summarized in the remarks presented herein.

II. Overview of the Invention

Applicants have provided an overview of one aspect of the present invention below to assist the Examiner in appreciating one possible application of the present invention. The overview is provided merely for the Examiner's convenience, and is not intended to characterize any of the independent claims.

One conventional identifier for tracking an item through a supply chain or manufacturing process is an electronic product code (EPC) (page 1 line 22 – page 2, line 5). An EPC is typically burned into a memory of an RFID tag as a fixed binary number having 64 or 96 bits, and identifies an item by manufacturer, product type, and product serial number (page 2, lines 8-10). The EPC is in a standardized format that enables it to be decoded by an object naming service (ONS) (page 2, lines 5-8 and 22-24).

One aspect of the present invention relates to adapting an EPC to allow it to convey information relating to a condition of an item (e.g., temperature, weight) with which it is associated (page 4, lines 20-22 and page 5, lines 27-31). For example, the EPC may include a variable portion that is updated (e.g., by a processor in an RFID tag) to include information relating to such a condition (page 4, lines 23-26). The variable portion could be any one or more of the manufacturer, product type, and/or product serial number fields (page 4, lines 27-28).

This dynamic EPC may be processed with the same reader and network infrastructure as is used for existing RFID tags which have static EPCs (page 5, lines 13-15).

As the overview is provided merely to assist the Examiner in appreciating one possible application of the present invention, the Examiner is requested to not rely upon the summary characterization above, but to closely examine each of the independent claims to ensure that each distinguishes over the references of record for the reasons discussed below.

III. Rejections Under 35 U.S.C. §102

The Examiner rejected claims 1-15, 27-35 and 40, including independent claims 1 and 27, under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 6,826,267 (Daum). These rejections are respectfully traversed.

a. Claim 1

Claim 1 recites an apparatus, comprising at least one storage device storing at least one dynamic identifier associated with at least one item, the at least one dynamic identifier configured to include at least one variable portion that has at least one of a variable content and a variable length, wherein the at least one variable portion represents, at least in part, at least one detectable condition associated with the at least one item.

Daum does not disclose or suggest “at least one dynamic identifier... configured to include at least one variable portion... wherein the at least one variable portion represents, at least in part, at least one detectable condition associated with the at least one item.” The Office Action suggests that the “variable portion” of the “dynamic identifier” is the DATA field of command frame 200 (Office Action citing column 6, lines 60-65 and Fig. 2 of Daum).

As discussed during the interview, Applicants have addressed the Examiner’s concern that the recitation “at least one variable portion... based at least in part on at least one detectable condition,” if given its broadest reasonable interpretation, may be read on a diagnostic command that is created “based on” a detectable condition (Response to Arguments, ¶9). Specifically, Applicants have amended claim 1 to recite “wherein the at least one variable portion represents, at least in part, at least one detectable condition.” The diagnostic commands disclosed in Daum do not “represent,” in whole or in part, a detectable condition. Thus, the “variable portion”

recited in claim 1 cannot be read on the DATA field of Daum and, for at least this reason, claim 1 cannot be anticipated by Daum.

Further, as also discussed during the interview, Daum does not disclose or suggest “at least one dynamic identifier... configured to include at least one variable portion.” While the Office Action suggests that the dynamic identifier recited in claim 1 may be read on the command frame 20 of Daum (Office Action at pages 2-3, citing Fig. 2), the command frame 200 is not an identifier, but rather simply includes some identifying portion (e.g., the MFG field and the APPL TYPE field, col. 4, lines 6-17). This identifying portion, however, does not comprise the DATA field, which the Office Action suggests in the “variable portion” of the “dynamic identifier.” For this additional reason, claim 1 is not anticipated by Daum.

In view of the foregoing, Daum does not disclose or suggest at least one storage device storing at least one dynamic identifier associated with at least one item, the at least one dynamic identifier configured to include at least one variable portion that has at least one of a variable content and a variable length, wherein the at least one variable portion represents, at least in part, at least one detectable condition associated with the at least one item, as recited in claim 1. Accordingly, withdrawal of the rejection of claim 1 is respectfully requested.

Claims 2-26 depend from claim 1 and are allowable for at least the same reasons as the independent claim.

b. Claim 27

Claim 27 recites a signal transporting at least one dynamic electronic product code (EPC) associated with at least one item, the at least one dynamic EPC configured to include at least one portion that is variable to represent, at least in part, at least one detectable condition associated with the at least one item.

Similar to claim 1, Applicants have addressed the Examiner’s concern that the recitation “at least one portion that is variable based at least in part on at least one detectable condition” may be read on a diagnostic command that is created “based on” a detectable condition. Specifically, Applicants have amended claim 27 to recite “at least one portion that is variable to represent, at least in part, at least one detectable condition.” As discussed in connection with claim 1, the diagnostic commands disclosed in Daum do not “represent,” in whole or in part, a

detectable condition. Thus, the “variable portion” recited in claim 27 cannot be read on the DATA field of Daum and, for at least this reason, claim 27 cannot be anticipated by Daum.

Further, as also discussed during the interview, Daum does not disclose or suggest “at least one dynamic electronic product code (EPC) ... configured to include at least one portion that is variable.” While the command frame 200 of Daum is asserted to be the dynamic EPC, the command frame 200 is not an EPC. Further, nowhere else does Daum disclose or suggest an electronic product code (EPC). For this additional reason, claim 27 is not anticipated by Daum.

In view of the foregoing, Daum does not disclose or suggest a signal transporting at least one dynamic electronic product code (EPC) associated with at least one item, the at least one dynamic EPC configured to include at least one portion that is variable to represent, at least in part, at least one detectable condition associated with the at least one item, as recited in claim 27. Accordingly, withdrawal of the rejection of claim 27 is respectfully requested.

Claims 28-40 depend from claim 27 and are allowable for at least the same reasons as the independent claim.

IV. Rejections Under 35 U.S.C. §103

The Examiner rejected claims 16-26, 36-39 and 41, including independent claim 41, under 35 U.S.C. §103(a) as being unpatentable over Daum et al in view of U.S. Patent No. 6,563,417 (Shaw). These rejections are respectfully traversed.

Claim 41 recites an apparatus, comprising at least one storage device storing at least one dynamic identifier associated with at least one item, the at least one dynamic identifier configured to include at least one variable portion that has at least one of a variable content and a variable length, wherein the at least one variable portion represents, at least in part, at least one detectable condition associated with the at least one item. The apparatus further comprises at least one sensor to monitor the at least one detectable condition and provide raw condition information representing the at least one detectable condition, and at least one processor, coupled to the at least one storage device and the at least one sensor, to process the raw condition information to provide processed condition information that is different from the raw condition information. The at least one processor is configured to periodically update the at least one dynamic identifier so as to provide a representation of the processed condition information as the variable content in the at least one variable portion of the at least one dynamic identifier.

The Examiner relies on the Daum reference for the teaching of at least one dynamic identifier configured to include at least one variable portion.

As with claim 1, Applicants have addressed the Examiner's concern that the recitation "at least one variable portion... based at least in part on at least one detectable condition" may be read on a diagnostic command that is created based on a detectable condition. Specifically, Applicants have amended claim 41 to recite "wherein the at least one variable portion represents, at least in part, at least one detectable condition." As discussed in connection with claim 1, the diagnostic commands disclosed in Daum do not "represent," in whole or in part, a detectable condition. Thus, the "variable portion" recited in claim 41 cannot be read on the DATA field of Daum and, for at least this reason, claim 41 cannot be rendered obvious by the combination of Daum and Shaw.

Further, as discussed in connection with claim 1, Daum does not disclose or suggest "at least one dynamic identifier... configured to include at least one variable portion." While the Office Action suggests that the dynamic identifier recited in claim 1 may be read on the command frame 20 of Daum (Office Action at pages 2-3, citing Fig. 2), the command frame 200 is not an identifier, but rather simply includes some identifying portion (e.g., the MFG field and the APPL TYPE field, col. 4, lines 6-17). This identifying portion, however, does not comprise the DATA field, which the Office Action suggests in the "variable portion" of the "dynamic identifier." For this additional reason, claim 41 is not rendered obvious by the combination of Daum and Shaw.

In view of the foregoing, the combination of Daum and Shaw does not disclose or suggest at least one storage device storing at least one dynamic identifier associated with at least one item, the at least one dynamic identifier configured to include at least one variable portion that has at least one of a variable content and a variable length, wherein the at least one variable portion represents, at least in part, at least one detectable condition associated with the at least one item, as recited in claim 41. Accordingly, withdrawal of the rejection of claim 41 is respectfully requested.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
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